



BLIGHTED PROPERTY REVIEW COMMITTEE

THURSDAY, APRIL 16, 2009

CITY COUNCIL OFFICE

6:00 p.m.

AGENDA

- I. Call to Order**
- II. Public Comment**
- III. Approval of the Agenda & March 2009 Minutes**
- IV. Review Hearing Procedures (attached)**
- V. Selection of POM Areas**
- VI. Update on Target Properties**

15 N 5th St
437 Penn St
431 Penn St
530 Penn St
532 Penn St
212 S 8th St
301 Buttonwood St
644 N Front St
628 N Front
317 Schuylkill Ave
118 W. Elm St
343 McKnight St
360 McKnight St
157 N Front St
200 N Front St
210 N Front St
328 Pear St
217 N 2nd St
228 N 2nd St

363 N 2nd St
127 Walnut St
129 Walnut St
153 Walnut St

VII. Report - Research Federal & State Urban Development Law and compare to local enabling ordinance – C. Younger

VIII. Review Draft Partnership Agreements – C. Younger

X. Committee Reports

Codes

Education

Research

Grants

Blighted Property Review Committee

Thursday, March 19, 2009

Meeting Report

Committee Members Attending: L. Olsen, M. Candelario, M. Wolfe, D. Luckey, W. Bealer

Others Attending: C. Younger, M. Mayes, L. Kelleher, D. Wright

Mr. Olsen called the meeting to order at 6:06 p.m. He announced that a quorum was present.

Public Comment

No one offered public comment

Agenda and Minutes

Mr. Olsen asked the Committee to review the agenda for this meeting and the minutes from the February meeting.

Ms. Wolfe moved, seconded by Mr. Candelario, to approve the agenda for this meeting and the minutes from the February meeting.

Matrix

Ms. Kelleher explained that the matrix attached to the agenda was built at the request of the BPRC and follows the process defined by Mr. Bealer using the Allentown and Harrisburg BPRC applications. The matrix separates the function of each group - City Council, the Redevelopment Authority, the Planning Commission, the BPRC, etc. - and lays out their actions over a 12 month period. The date each task is completed can be on the sheet for each individual target property.

Mr. Luckey noted the Redevelopment Authority's desire to have funding for rehabilitation, demolition, etc. in place. Mr. Bealer and Ms. Kelleher reported on the Administration's promise to provide funding as it is needed. Mr. Bealer described his meeting with Mr. Mayes about the BPRC mission and needs. Mr. Olsen noted that the BPRC has developed partners with the County ADD program, the NHS, Habitat for Humanity, and OCR. The Redevelopment Authority will only be used when other partners cannot assist. Mr. Younger suggested formalizing partnership agreements with the previously mentioned parties. He offered to draft the agreements.

Mr. Luckey noted the need for the BPRC to prepare a back-up plan when no rehabilitation partner steps forward. He reminded everyone that, for example, Habitat for Humanity sometimes prefers

new construction to rehabilitation and some levels of rehabilitation may be more than NHS can handle. Mr. Mayes agreed. Ms. Wolfe also noted the need for the BPRC to have a plan to handle commercial properties that may be abandoned.

Update on Target Properties

Mr. Mayes and Mr. Wright distributed an update on the 16 of the target properties, dated November 17, 2008. Of those 16 properties, five are either scheduled for demolition or have entered rehabilitation plans.

Mr. Mayes suggested that the BPRC apply for CDBG funds in the upcoming cycle. He suggested that Stimulus money could be used to fund demolition costs, as demolitions can occur within the 90-120 days. Ms. Kelleher reminded everyone that last year Mr. Hottenstein told the BPRC and City Council that rather than making an allocation the 2009 CDBG Budget, an amendment to the CDBG budget could be prepared to provide funding as it is needed. Last year the BPRC was looking for funding to cover the appraisal of the target properties. Mr. Mayes offered to prepare a CDBG application for the BPRC before the April meeting. Mr. Mayes also described his conversation about the BPRC with Mr. Mukerji, Executive Director for the Redevelopment Authority.

Determination Hearings

Mr. Bealer stated that the check-off sheets are being prepared. He also distributed a draft letter that will again notify the property owner that his property is blighted and that the property is proceeding to the next stage of the BPRC process. Mr. Younger stated that the letter needs more specifics about the process, the opportunity for rehabilitation and the property owner's ability to appeal.

Mr. Bealer noted that the sample letter from Allentown cites the Urban Redevelopment Law. Mr. Younger stated that he is unclear if the Reading BPRC legislation was drafted based on the Federal or State Urban Redevelopment Law or something else. He offered to research this issue further.

After some discussion on who should sign the letter, Ms. Kelleher noted that the BPRC Ordinance requires the chair of the BPRC to sign the determination hearing letter. Mr. Olsen noted that the determination hearing letters need to be mailed out 90 days before the hearing. The hearing is scheduled for July 16, 2009; therefore, the determination hearing letters need to be posted no later than April 16, 2009.

Updates

Inclusion of ADD, OCR, Garden Properties, etc.

Mr. Bealer reported that he is working to incorporate ADD, OCR, etc onto the blighted property map.

Grants

Ms. Kelleher stated that she and Mr. Olsen are waiting to hear from the DCED regarding grant opportunities.

Other Business

Mr. Candelario noted the formation of committees at the February meeting. He suggested that the committee list be included on the monthly Update list. The Committees are set as follows:

Grants - Mr. Olsen and Ms. Kelleher

Codes - Mr. Bealer and Mr. Wright

Education - Mr. Candelario and Mr. Mayes

Research - Ms. Wolfe and Mr. Younger

Mr. Olsen noted Council's positive response to the BPRC presentation. Ms. Kelleher stated that POM is quite anxious to start and would like the community to select the POM area. However, City Council believes more care must go into this decision as many factors such as the existing Historic Districts, the existing community groups, etc. need to be considered when defining the POM areas. Mr. Olsen agreed that different counterparts and communities need to be considered when selecting the POM areas.

Mr. Candelario moved, seconded by Mr. Bealer, to adjourn the meeting.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk

FOLLOW-UP ISSUES:

- Draft partnership agreements for ADD, NHS, OCR, Habitat for Humanity – C. Younger
- Finalize Determination Hearing Letters and have them ready for the Chairs signature by April 10th - M. Mayes, D. Wright, C. Younger
- Research Federal & State Urban Development Law and compare to local enabling ordinance – C. Younger
- List Committees under Monthly updates
- Designate POM area



CITY OF READING,
PENNSYLVANIA

Blighted Property Review Committee Hearing Procedures

A. Notice of Hearings. Notice of all hearings of the Board shall be given in accordance with the manner stipulated in the Blighted Property Review Committee bylaws.

(1) **Posting.** Written notice of such hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

(2) **Notification Requirements.** The Board shall give public notice of all matters to be heard at any given meeting and shall give written notice to the owner, appellant, Mayor, Council, to the governing body of any municipality located within 500 feet of the property at issue, and to all other interested parties who have registered their names and addresses with the Board, and may give notice to the occupant of every lot within 200 feet of the lot in question. The notices herein required shall state the location of the building or lot, the general nature of the question involved and the time and place of the hearing.

B. Fees and Costs. The Blighted Property Review Committee shall, prior to the first hearing, determine the appropriate fee to be paid by applicants and request Council amend the City of Reading Fee Schedule to establish said fee. The fee assessed will be directly proportional to the estimated costs of conducting a hearing.

C. Time Constraints. The hearing shall be held within 45 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

D. Persons Entitled to Present Appeals before the Board. An appeal of a certification of blight must be submitted before the Blighted Property Review Committee by one or more of the following persons:

- (1) The property owner.
- (2) A party with equitable interest in the property.
- (3) An attorney licensed to practice in the Commonwealth of Pennsylvania.
- (4) A properly executed power of attorney.

E. Parties. The parties to the hearing shall be the applicant(s), the City and any person affected by the application. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

F. Oaths and Subpoenas. The chairman or acting chairman of the Board presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

G. Representation by Counsel. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witness on all relevant issues.

H. Conduct of Hearings. The Chair or their designee shall conduct all hearings of the Blighted Property Review Committee. In all cases the decision shall be made by the Committee.

(1) Hearings shall be run according to commonly accepted procedures and may only deviate upon agreement of the Committee and consent of the Solicitor.

I. Evidence. Formal rules of evidence shall not apply; evidence may be accepted upon the determination of its relevance by the Chair in consultation with the Solicitor.

J. Record.

(1) The Committee shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be calculated as part of fee paid by the applicant.

(2) The cost of the original transcript and one copy shall be paid by application fee. The cost of additional copies will be the responsibility of the party, either Committee or person appealing, and shall be paid by the party requesting such copy or copies.

K. Ex Parte Communications.

(1) The Committee shall not communicate, directly or indirectly, with any party or its representative in connection with any issues involved, except upon notice and opportunity for all parties to participate.

(2) The Committee shall not take notice of any communication, reports, staff memoranda or other materials (except advice from its solicitor), unless the parties are afforded an opportunity to contest the material so noticed.

(3) After the commencement of hearings, the Committee shall not inspect the site or its surroundings with any party or its representative, unless all parties are given an opportunity to be present.

L. Conflicts of Interest. No member of the Committee shall vote upon or participate in deliberations concerning any application for which the member has a conflict of interest. Grounds for disqualification on an individual appeal include, but are not restricted to, the following:

(1) Direct or indirect financial or property interest.

(2) Direct business association with one of the parties involved.

(3) A close familial relationship with one of the parties involved.

(4) An overt expression or affiliation with an organization whose ideology expresses a predisposition toward the parties or the intent of the parties involved.

M. Decision/Findings.

(1). The Committee shall render a written decision on the application, within 45 days after the last hearing before the Board.

(2). Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefore.

(3). Conclusion based on provisions of other documents, shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found.

(4). Where the Committee fails to render the decision within the period required by this subsection, or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time.

N. Notice of Decision.

(1). A copy of the final decision shall be delivered to the applicant personally or mailed to him or her no later than one working day following its date.

(2). The Committee shall provide (by mail or otherwise) a brief notice of the decision or findings and a statement of the place where the full decision or findings may be examined to all other persons who have filed their names and addresses with the Board.

O. Effect of Board's Decision.

(1). If a property, as a result of the hearing, is certified as blighted by decision of the Committee, said property is to be placed in trust and managed by the City of Reading on the Committee's behalf, until such time as the property can be conveyed to the Reading Redevelopment Authority.

P. Appeals.

(1). All appeals of any decision, determination or order of this Committee issued pursuant to these bylaws, shall be raised directly in the Berks County Court of Common Pleas and must be filed no later than 30 days from the date of receipt of the Committee's notice.

